

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JIMMY FRANK CAMERON, #105591,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:06-CV-88-WHA
	)	
DONAL CAMPBELL, et al.,	)	
	)	
Defendants.	)	

**RECOMMENDATION OF THE MAGISTRATE JUDGE**

On January 8, 2008, the plaintiff, Jimmy Frank Cameron ["Cameron"], filed a motion to dismiss Prison Health Service, Inc. ["PHS"] as a defendant in this cause of action. In support of this motion, Cameron states that "PHS is not responsible for the defendants violation of plaintiff constitutional rights!" *Court Doc. No. 60*.

Upon consideration of the plaintiff's motion to dismiss, the court concludes that this motion is due to be granted. The court further concludes that based on plaintiff's assertions in such motion his claims against PHS are due to be dismissed with prejudice.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that:

1. The motion to dismiss filed by the plaintiff on January 8, 2008 (Court Doc. No. 60) be GRANTED.
2. The plaintiff's claims against PHS be dismissed with prejudice.
3. PHS be dismissed from this cause of action.
4. The plaintiff's claims against the remaining defendants be referred back to the undersigned for additional proceedings.

It is further

ORDERED that on or before January 23, 2008 the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done this 10th day of January, 2008.

/s/ Wallace Capel, Jr  
WALLACE CAPEL, JR.  
UNITED STATES MAGISTRATE JUDGE